

---

**TITLE 328 UNDERGROUND STORAGE TANK FINANCIAL ASSURANCE BOARD**

**NOTICE OF READOPTION**  
**IC 13-14-9.5 NOTICE OF FIRST COMMENT PERIOD**  
LSA Document #13-177

**READOPTED OF RULES IN TITLE 328 UNDER IC 13-14-9.5**

**PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on the readoption of rules in Title 328 of the Indiana Administrative Code under IC 13-14-9.5.

**RULES TO BE READOPTED:**

<a href="#">328 IAC 1-1-1</a>	Application of definitions
<a href="#">328 IAC 1-1-2</a>	"Administrator" defined
<a href="#">328 IAC 1-1-3</a>	"Corrective action" defined
<a href="#">328 IAC 1-1-3.1</a>	"Corrective action plan" or "CAP" defined
<a href="#">328 IAC 1-1-5.1</a>	"Emergency measures" defined
<a href="#">328 IAC 1-1-6</a>	"Fund" defined
<a href="#">328 IAC 1-1-8.3</a>	"Reasonable" defined
<a href="#">328 IAC 1-1-8.5</a>	"Site characterization" defined
<a href="#">328 IAC 1-1-10</a>	"Third party liability" defined
<a href="#">328 IAC 1-2</a>	Scope and Fund Management
<a href="#">328 IAC 1-7</a>	Financial Assurance

**RULES TO EXPIRE:** None

**AUTHORITY:** IC 13-14-9.5

**SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING**

This rulemaking is required under IC 13-14-9.5, which provides for the expiration and readoption of administrative rules. All rules adopted after January 1, 2002, under IC 13-14-9, expire on January 1 of the seventh year after the year in which each rule takes effect. The rules listed to be readopted have an expiration date of January 1, 2014. IDEM has chosen to readopt all affected rules at one time rather than readopt each rule separately as its expiration date approaches.

Under IC 13-14-9.5-4, the department or board that has rulemaking authority under Title 13 may readopt all rules subject to expiration under one rule that lists all rules that are readopted by their titles and subtitles only. If no comments are received during this first comment period, IDEM may submit the rule for filing with the Publisher under IC 4-22-2-35 and publish notice in the Indiana Register that the agency has readopted the rule.

**STATUTORY AND REGULATORY REQUIREMENTS**

IC 13-14-9.5-4 requires that the following procedure be followed to readopt rules:

- (1) A notice listing all rules to be readopted by their titles and subtitles shall be submitted to the Publisher for publication in the Indiana Register.
- (2) If a person submits a written request and a basis for the request during the first comment period that a particular rule be readopted separately from the readoption rule that readopts all rules in one rulemaking, the agency must:
  - (A) readopt that rule separately from the readoption rule; and
  - (B) follow the procedure for adoption of administrative rules under IC 13-14-9 with respect to that rule.
- (3) If no written request is provided within the first comment period, the agency may submit the rule for filing with the Publisher under IC 4-22-2-35 and publish notice in the Indiana Register that the agency has readopted the rule.

**REQUEST FOR PUBLIC COMMENTS**

IDEM requests that any written comments requesting that a rule be readopted separately from this readoption rule include a basis for the request. Comments may be submitted in one of the following ways:

- (1) By mail or common carrier to the following address:  
LSA Document #13-177 2013 Title 328 Rule Readoption  
Dan Watts

Rule Development Branch  
Office of Legal Counsel  
Indiana Department of Environmental Management  
100 North Senate Avenue  
Mail Code 65-46  
Indianapolis, IN 46204

(2) By facsimile to (317) 233-5970. Please confirm the timely receipt of faxed comments by calling the Rule Development Branch at (317) 233-8903.

(3) By electronic mail to [dwatts1@idem.in.gov](mailto:dwatts1@idem.in.gov). To confirm timely delivery of submitted comments, please request a document receipt when sending the electronic mail. **PLEASE NOTE: Electronic mail comments will NOT be considered part of the official written comment period unless they are sent to the email address indicated in this notice.**

(4) Hand delivered to the receptionist on duty at the thirteenth floor reception desk, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Indianapolis, Indiana.

Regardless of the delivery method used, in order to properly identify each comment with the rulemaking action it is intended to address, each comment document must clearly specify the LSA document number of the rulemaking.

#### **COMMENT PERIOD DEADLINE**

Comments must be postmarked, faxed, or time stamped not later than June 21, 2013. Hand-delivered comments must be delivered to the office by 4:45 p.m. on the above-listed deadline date.

Additional information regarding this action may be obtained from Dan Watts, Rule Development Branch, Office of Legal Counsel, (317) 234-5345 or (800) 451-6027 (in Indiana).

Nancy King, Chief  
Rule Development Branch  
Office of Legal Counsel

*Posted: 05/22/2013 by Legislative Services Agency*  
An [html](#) version of this document.